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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 JENNIE QUAN, individually and as
14 successor in interest to BENJAMIN
15 CHIN, deceased,

16 Plaintiff,

17 vs.

18 COUNTY OF LOS ANGELES; and
19 DOES 1-10, inclusive,

20 Defendants.
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Case No. 2:24-cv-04805-MCS-KS

JOINT RULE 26(f) REPORT

Sched. Conf. Date: September 9, 2024
Time: 10:00 a.m.
Courtroom: 7C

1 **TO THE HONORABLE COURT:**

2 Pursuant to Federal Rules of Civil Procedure Rule 26(f), Local Rule 16-1 and
3 the Court's July 3, 2024 Order setting the Rule 26(f) Scheduling Conference,
4 Plaintiff Jennie Quan ("Plaintiff") and Defendant COUNTY OF LOS ANGELES
5 ("Defendant") (collectively, "the Parties") respectfully submit the following Joint
6 Report.

7 **1. STATEMENT OF THE CASE**

8 **1. Plaintiff's Statement:**

9 On June 19, 2023, at approximately 11:30 a.m., Los Angeles County Sheriff's
10 Deputies responded to the 2900 block of Crooked Creek Drive in Diamond Bar,
11 California regarding reports of a man with a rifle. The deputies located Benjamin
12 Chin ("Decedent") walking on the sidewalk along Crooked Creek Drive. The
13 deputies followed Decedent as he walked to the intersection of Crooked Creek Drive
14 and Diamond Bar Boulevard. Decedent then stood in the middle of Diamond Bar
15 Boulevard while deputies were positioned in front and behind of Decedent. As
16 Decedent slowly walked in the direction of the deputies in front of him with the rifle
17 pointed towards the ground, the deputies in the front and from behind discharged
18 their firearms, striking Decedent several times. At all relevant times, Decedent did
19 not pose an immediate threat of death or serious bodily injury to anyone. Decedent
20 died as a result of his gunshot wounds.

21 Plaintiff Jennie Quan, Decedent's mother, brings this civil rights action
22 individually and on behalf of Decedent as his successor in interest. Plaintiff brings
23 the following claims for relief: Plaintiff brought this civil rights action with the
24 following claims for relief: (1) Fourth Amendment Unreasonable Search and
25 Seizure – Detention and Arrest (42 U.S.C. § 1983); (2) Fourth Amendment
26 Unreasonable Search and Seizure – Excessive Force (42 U.S.C. § 1983); (3) Fourth
27 Amendment Unreasonable Search and Seizure – Denial of Medical Care (42 U.S.C.
28 § 1983); (4) Municipal Liability for Ratification (42 U.S.C. § 1983); (5) Municipal

1 Liability for Inadequate Training (42 U.S.C. § 1983); (6) Municipal Liability for
2 Unconstitutional Custom or Policy (42 U.S.C. § 1983); (7) battery; (8) negligence;
3 and (9) violation of the Bane Act (Cal. Civil Code § 52.1).

4 **2. Defendants' Statement:**

5 Defendant COUNTY OF LOS ANGELES ("COLA") disputes the allegations
6 in Plaintiff's Complaint. COLA will assert qualified immunity for any individual
7 defendants as well as state law immunities, including those under the California
8 *Government Code*, for the state claims.

9 **2. SUBJECT MATTER JURISDICTION**

10 Plaintiff has filed federal claims pursuant to 42 U.S.C. § 1983 and related
11 state law claims. Accordingly, the Parties do not dispute that this Court has
12 jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 (federal question
13 jurisdiction), 28 USC §1343 (a)(3)-(4) (original jurisdiction over civil rights claims)
14 and 1367 (supplemental jurisdiction as to the state law claims).

15 **3. LEGAL ISSUES**

- 16 A. Whether the deputies used excessive force;
17 B. Whether the County or its deputies denied medical care to Decedent;
18 C. Whether the deputies unlawfully interfered with Plaintiff's right to familial
19 relationship with her son, Decedent;
20 D. Whether the County of Los Angeles has an unconstitutional custom, practice
21 or policy that was the moving force that caused Decedent's and Plaintiff's
22 injuries;
23 E. Whether the County of Los Angeles failed to adequately train its deputies;
24 F. Whether the County of Los Angeles ratified the excessive and unreasonable
25 force, if any, used by the deputies;
26 G. Whether the deputies were negligent with respect to their handling of the
27 situation, including using force against Decedent and their use of negligent
28 tactics;

1 H. Whether the deputies conduct showed a specific intent to violate Plaintiff's
2 rights;

3 I. Whether Defendant is immune from liability for the state claims;

4 J. Whether Defendant's conduct was a substantial factor in causing Plaintiff
5 harm;

6 K. The nature and scope of Plaintiff's damages; and

7 L. Entitlement to punitive damages.

8 **4. PARTIES, EVIDENCE, ETC.**

9 Parties: The Parties are Plaintiff Jennie Quan and Defendant County of Los
10 Angeles. Defendant COUNTY OF LOS ANGELES has been served and has filed a
11 responsive pleading in this matter.

12 Witnesses: The percipient witnesses to the incident include Plaintiff and
13 County of Los Angeles Sheriff's Department personnel.

14 Additional non-percipient witnesses may include other County of Los
15 Angeles personnel, including policy makers, investigators and medical personnel.

16 The Parties have not yet identified all other percipient witnesses.

17 Key Documents: The key documents include County of Los Angeles Sheriff's
18 Department records regarding the incident, including but not limited to, statements,
19 reports, and recorded interviews the officers and witnesses, investigative reports and
20 diagrams, audio and/or video of the incident, photographs of the scene of the
21 incident; physical evidence recovered from the scene of the incident; County of Los
22 Angeles policies, procedures, and officer training; depositions of the Parties and
23 witnesses; responses to written discovery; Decedent's medical records, documents
24 regarding the County of Los Angeles' investigation into the incident, and
Documents that Plaintiff possesses regarding the incident.

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1 **5. DAMAGES**

2 **A. Plaintiff's Statement:**

3 Plaintiff is seeking survival damages on behalf of Decedent for his pain and
4 suffering, loss of life, and loss of enjoyment of life. Plaintiff is seeking wrongful
5 death damages for the loss of Decedent's love, companionship, comfort, care,
6 assistance, protection, society, and moral support as well as funeral and burial
7 expenses. Plaintiffs further seek punitive damages, attorney's fees, and costs under
8 Plaintiff's federal claims. Plaintiff also seeks punitive damages under her state law
9 battery and Bane Act claim and attorney's fees and costs under her Bane Act claim.
10 Plaintiff is unable to provide an estimate of her damages at this time.

11 **B. Defendant's Statement:**

12 Defendant, COLA, disputes the nature and extent of the claimed damages.

13 **6. INSURANCE**

14 **Defendant's Statement:**

15 The County of Los Angeles is self-insured.

16 **7. MOTIONS**

17 There are no motions pending before the Court. Plaintiff anticipates on
18 seeking leave to file a First Amended Complaint, naming Marisol Barajas and
19 Hector Vazquez as the deputies involved in the incident. Plaintiff intends on
20 working with Defendant on a stipulation for leave to amend in lieu of the need to
21 file a motion to amend, if possible.

22 **Defendant's Statement:**

23 After the discovery phase, Defendant will likely file a motion for summary
24 judgment or partial summary judgment. Defendant will file any necessary Motions
25 in Limine and Pre-Trial Motions prior to trial in this matter.

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1 **8. DISPOSITIVE MOTIONS**

2 **Plaintiff's Statement:**

3 The parties have discussed potential motions and propose motion dates set
4 forth in the attached schedule. Plaintiff anticipates filing motions *in limine* to
5 exclude evidence at trial. Depending on the Court's rulings on these evidentiary
6 issues, Plaintiff may seek bifurcation of liability from damages at trial.

7 **Defendant's Statement:**

8 Defendant anticipates filing a Motion for Summary Judgment, or Partial
9 Summary Judgment, if appropriate, depending on the course of discovery in this
10 case.

11 **9. MANUAL FOR COMPLEX LITIGATION**

12 The Parties agree that this is not a complex case and is therefore not subject to
13 the Manual for Complex Litigation.

14 **10.STATUS OF DISCOVERY**

15 The Parties intend to exchange initial disclosures on September 9, 2024. The
16 Parties also anticipate propounding initial written discovery.

17 **Defendant's Statement:**

18 COLA will begin discovery immediately. COLA anticipates the exchanges of
19 written discovery including: (1) Request for Production of Documents; (2)
20 Subpoenas for the production of documents; (3) Requests for Admissions; and (4)
21 Interrogatories. COLA anticipates taking the deposition of Plaintiff, other
22 unidentified witnesses, Plaintiff's treating physicians, and any other percipient
23 witnesses identified by Plaintiff.

24 **11.DISCOVERY PLAN**

25 The parties have discussed the anticipated discovery and propose the non-
26 expert discovery schedule set forth in Exhibit A hereto. This schedule was compiled
27 based upon the trial calendars of counsel and their evaluation of the parties'
28 discovery needs.

1 Plaintiff anticipates taking the deposition upon oral examination of the
2 involved deputies, the additional deputies who responded to the scene, medical
3 personnel, percipient witnesses, persons most knowledgeable, and Defendants'
4 expert witnesses. Plaintiff anticipates on serving written interrogatories, requests for
5 admission, and requests for production of documents, including on the issues of
6 liability for excessive and unreasonable force, *Monell* liability, and related state law
7 claims.

8 Defendants will conduct discovery regarding the facts and circumstances of
9 the incident that forms the basis for Plaintiff's claims, including taking Plaintiff's
10 deposition and unidentified third-party witness present during the subject incident
11 and serving written discovery requests. Discovery will also be conducted regarding
12 Plaintiff's claimed damages. COLA will subpoena all the medical providers who
13 treated Plaintiff for any injuries he allegedly suffered during the subject incident.
14 COLA will then depose the treaters identified by Plaintiff.

15 The parties do not foresee any issues regarding electronically stored
16 information pursuant to Rule 26(f)(3)(C) in this case.

17 The parties will seek a protective order from the Magistrate Judge to cover
18 discovery and exchange of confidential information.

19 The parties do not anticipate any changes to the limitations on discovery
20 imposed by the Federal Rules at this time.

21 Plaintiff proposes that discovery be conducted in two phases: (i) fact
22 discovery and (ii) expert discovery.

23 **Defendant's Statement:**

24 COLA does not believe discovery should be conducted in phases or be
25 limited to or focused on particular issues.

26 **12.DISCOVERY CUT-OFF**

27 The Parties propose a discovery cut-off of November 10, 2025, for which all
28 fact discovery is to be completed, including the resolution of all discovery motions.

1 The above-mentioned discovery cut-off allows the parties sufficient time to
2 engage in requisite fact finding and provide sufficient time after the cut-off to allow
3 the parties to prepare for trial. Defendant COLA anticipates various privileges will
4 prohibit disclosure of certain discovery sought in this case, including the official
5 information privilege and deliberative process privilege.

6 **13.EXPERT DISCOVERY**

7 The Parties propose an Initial Expert Disclosure date of November 17, 2025,
8 Expert Rebuttal Date of December 1, 2025, and Expert Discovery Cut-Off of
9 December 15, 2025.

10 **14.SETTLEMENT CONFERENCE/ALTERNATIVE DISPUTE**
11 **RESOLUTION**

12 The parties have not yet engaged in substantive settlement discussions but are
13 amenable to doing so following a period of discovery. The parties are agreeable to
14 participating in ADR Procedure No. 2 (appearance before neutral selected from
15 Court's Mediation Panel). The parties will select a mutually agreed-upon neutral
16 and have commenced discussions of acceptable mediators.

17 **15.TRIAL ESTIMATE**

18 Both Parties have requested a jury trial and both estimate that the trial will
19 take approximately five (5) to seven (7) days, including *voir dire*, opening
20 statements, closing arguments, and time reasonably anticipated that will be spent on
21 discussions regarding jury instructions and verdict forms outside the presence of the
22 jury. At this time, the Parties cannot accurately anticipate how many witnesses they
23 will call in this particular matter, but based on similar litigation and the facts known
24 to date, the Parties estimate calling approximately 5-10 witnesses per side.

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1 **16. TRIAL COUNSEL**

2 Dale K. Galipo (lead counsel) and Hang Le from the Law Offices of Dale K.
3 Galipo will try this case for Plaintiff.

4 **Defendant's Statement:**

5 Thomas C. Hurrell.

6 **17. INDEPENDENT EXPERT OR MASTER**

7 The Parties agree that this case does not require an independent expert or
8 master.

9 **18. SCHEDULE WORKSHEET**

10 Per the Court's order setting the Scheduling Conference, the parties have
11 attached "Exhibit A: Schedule of Pretrial and Trial Dates Worksheet" hereto.

12 **19. OTHER ISSUES**

13 There are no other issues that require the Court's attention at this time.
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15 DATED: August 26, 2024

LAW OFFICES OF DALE K. GALIPO

17
18 Bv /s/ Hang D. Le

Dale K. Galipo

19 Hang D. Le

Attorneys for Plaintiff

22
23 DATED: August 26, 2024

HURRELL CANTRALL LLP

25
26 Bv /s/ Janet J. Hur*

Thomas C. Hurrell

27 Janet J. Hur

Attorneys for Defendant, County of Los
28 Angeles

1 *The filer, Hang D. Le, hereby attests that all other signatories listed, and on whose
2 behalf the filing is submitted, concur with the filing's content and have authorized
3 the filing.